



1644
J. J. M. & Co.

Atty. Docket No.: 3284/1235

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Habener, et al.
Serial No.: 09/963,875
Filed: September 26, 2001
Titled: STEM CELLS OF THE ISLETS OF
LANGERHANS AND THEIR USE IN
TREATING DIABETES MELLITUS

Examiner: M.A. Belyavskiy
Group Art Unit: 1644
Conf. No.: 9674

CERTIFICATE OF MAILING UNDER 37 CFR §1.8a

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service as First Class Mail on the date indicated below in an envelope addressed to Mail Stop Non-Fee Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Elizabeth N. Spar

Name of Person Mailing

Elizabeth N. Spar

Signature of Person Mailing Paper

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Response to Notice of Non-Compliant Amendment;
2. Supplemental Preliminary Amendment; and
3. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference No. 3284/1235. A duplicate of this transmittal letter is enclosed for this purpose.

Respectfully submitted,

Date: 10/16/03

Elizabeth N. Spar Reg # 45,123 ft

Name: Kathleen M. Williams

Registration No.: 34,380

Customer No.: 29933

Palmer & Dodge LLP

111 Huntington Avenue

Boston, MA 02199-7613

Tel: 617-239-0100



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Supplemental Preliminary Amendment

This Supplemental Preliminary Amendment is being filed in response to the Notice of Non-Compliant Amendment, dated September 30, 2003.

Amendments to the Claims are shown in the "Listing of the Claims" which begins on page 2 of this paper.

Remarks begin on page 12 of this paper.



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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Dear Sir:

This Response is being filed in response to the Notice of Non-Compliant Amendment, dated September 30, 2003.

The Notice indicates that the Preliminary Amendment, filed on September 18, 2003, was non-compliant because it does not include a complete listing of all of the claims and because the listing of claims does not include the text of all claims, including withdrawn claims. Attached is a Supplemental Preliminary Amendment that includes a complete list of the text of all claims.

Respectfully submitted,

Date: 10/16/03

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